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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ANDREW R. LOPEZ,

11 Plaintiff,

No. CIV S-98-2111 LKK EFB P

12 vs.

13 D. PETERSON, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
17 U.S.C. § 1983. He requests an extension of time to file and serve an amended complaint. *See*
18 Fed. R. Civ. P. 6(b). He also requests the appointment of counsel.

19 District courts lack authority to require counsel to represent indigent prisoners in
20 section 1983 cases. *Mallard v. United States Dist. Court*, 490 U.S. 296, 298 (1989). In
21 exceptional circumstances, the court may request counsel voluntarily to represent such a
22 plaintiff. 28 U.S.C. § 1915(e)(1); *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991); *Wood*
23 *v. Housewright*, 900 F.2d 1332, 1335-36 (9th Cir. 1990). The court finds that there are no
24 exceptional circumstances in this case.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's June 19, 2009 motion for appointment of counsel is denied.

3 2. Plaintiff's July 24, 2009, motion is granted and plaintiff has 30 days from the date this
4 order is served to file and serve an amended complaint.

5 So ordered.

6 DATED: September 23, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE